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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,548	10/08/2004	Yoshimi Moriya	0054-0290PUS1	6899
2292	7590	06/25/2009	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				HASAN, SYED Y
ART UNIT		PAPER NUMBER		
2621				
			NOTIFICATION DATE	DELIVERY MODE
			06/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/510,548	MORIYA ET AL.	
	Examiner	Art Unit	
	SYED Y. HASAN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 June 2009.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 20, 29-35, and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) 3-20,29-35 and 37-41 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 - 2 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/8/2004, 4/27/2006, 4/30/2007, 7/29/2008,</u>
<u>3/30/2009 and 6/3/2009</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Restriction/Election

1. Applicant's election, without traverse, of species 1 corresponding to figures 1 - 5 and Claims 1 - 2 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement filed 10/08/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because **copies of this document has not been supplied for evaluation**. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Examiner was not able to locate documents with the PCT/JP03/03450 reference provided filed March 30, 2003. Please provide Application no. of document which refers to the IDS documents.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (US 2002/0052864) in view of Papagan et al (US 2002/0059604) and further in view of Hanamoto (US 2002/0019833)

Regarding **claim 1**, Yamamoto discloses a metadata editing apparatus comprising:

a scene division unit for dividing multimedia content containing at least one of moving pictures and audio into a plurality of scenes to generate scene section information metadata indicating a scene start position and a scene end position for each scene obtained as a result of the division (para 0139)

However Yamamoto does not disclose a scene description edit unit for performing hierarchical editing of each scene of the multimedia content based on the scene section information metadata sent from the scene division unit and generating scene structure information metadata describing a hierarchical structure of the multimedia content; and a metadata description unit for integrating the scene section information metadata and the scene structure information metadata and generating metadata describing contents and a structure of the multimedia content in accordance with a predetermined format.

On the other hand Papagan et al teaches a scene description edit unit for performing hierarchical editing of each scene of the multimedia content based on the scene section information metadata sent from the scene division unit and generating

scene structure information metadata describing a hierarchical structure of the multimedia content (para 0029)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a scene description edit unit for performing hierarchical editing of each scene of the multimedia content based on the scene section information metadata sent from the scene division unit and generating scene structure information metadata describing a hierarchical structure of the multimedia content as taught by Papagan et al in the system of Yamamoto in order to provide an enhanced multimedia presentation.

The combination of Yamamoto and Papagan et al do not disclose a metadata description unit for integrating the scene section information metadata and the scene structure information metadata and generating metadata describing contents and a structure of the multimedia content in accordance with a predetermined format

On the other hand Hanamoto teaches a metadata description unit for integrating the scene section information metadata and the scene structure information metadata and generating metadata describing contents and a structure of the multimedia content in accordance with a predetermined format (figs 12A and B, para 0116 – 0120)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a metadata description unit for integrating the scene section information metadata and the scene structure information metadata and generating metadata describing contents and a structure of the multimedia content in accordance with a predetermined format as taught by Hanamoto in the combined system of

Yamamoto and Papagan et al in order to provide a system and methodology for linking media content for presentation to a user.

Regarding **claim 2**, Yamamoto discloses a metadata editing apparatus, further comprising:

a characteristic extraction unit for extracting visual characteristic amounts of each scene of the multimedia content based on the scene section information metadata sent from the scene division unit and generating characteristic description metadata (para 0139)

However Yamamoto and Papagan et al do not disclose wherein the metadata description unit integrates the scene section information metadata, the scene structure information metadata, and the characteristic description metadata and generates the metadata describing the contents and the structure of the multimedia content in accordance with the predetermined format.

On the other hand Hanamoto teaches wherein the metadata description unit integrates the scene section information metadata, the scene structure information metadata, and the characteristic description metadata and generates the metadata describing the contents and the structure of the multimedia content in accordance with the predetermined format (para 0029)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the metadata description unit integrates the scene section information metadata, the scene structure information metadata, and the characteristic description metadata and generates the metadata describing the

contents and the structure of the multimedia content in accordance with the predetermined format as taught by Hanamoto in the combined system of Yamamoto and Papagan et al in order to provide a system and methodology for linking media content for presentation to a user.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H./

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06/19/2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621